

### **REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-3, 6-8, 15-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0143805 to Hayes et al. ("Hayes") in view of U.S. 6,914,551 to Vidal ("Vidal"); and rejected claims 5 and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Japanese Patent No. JP 09-023487 to Hideyuki ("Hideyuki").

Upon entry of this amendment, claims 1-3, 5-19, and 21-24 will remain pending and under current examination. Applicant amends claims 1, 7, 14, 18, 19, 21, 23, and 24.

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-3, 6-8, 15-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal. A *prima facie* case of obviousness has not been established at least because the differences between the prior art and Applicant's claims are such that it would not have been obvious for one of ordinary skill in the art at the time of the invention to modify the prior art to arrive at Applicant's claimed invention.

Independent claim 1, for example, recites a control apparatus controlling an information processing apparatus, including "detection means for detecting an information processing apparatus through wireless communication; first display means for displaying, after detecting the information processing apparatus, a temporary operation screen for controlling the information processing apparatus" (emphasis

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

added). Neither Hayes nor Vidal, taken individually or in combination, teaches or suggests the claimed "temporary operation screen," as recited by claim 1.

The Examiner acknowledges "Hayes does not explicitly disclose acquiring operation screen information when the information processing apparatuses are detected." Office Action at 3. Hayes also does not teach or suggest "displaying, after detecting the information processing apparatus, a temporary operation screen for controlling the information processing apparatus," as recited by claim 1 (emphasis added).

Vidal fails to cure the deficiencies of Hayes. In fact, Vidal teaches away from the claimed "temporary operation screen." Vidal discloses: "After selecting an appliance . . . , remote control 102 . . . download[s] menu specifications." Vidal, 5:65-67 (emphasis added). Vidal therefore forces a user to wait for a menu to download before allowing a user to control a device. This can cause a user to become frustrated. In contrast, claim 1 requires "displaying, after detecting the information processing apparatus, a temporary operation screen for controlling the information processing apparatus," as recited by claim 1 (emphasis added).

Because neither Hayes nor Vidal, taken individually or in combination, teaches or suggests the claimed "temporary operation screen," no *prima facie* case of obviousness has been established for claim 1. Claims 2, 3, 5, 6, 8, 15-17 depend from independent claim 1 and therefore patentably distinguish from Hayes and Vidal for at least the same reasons as claim 1. Independent claims 18, 19, 21, 23, and 24, although of different scope than claim 1, patentably distinguish from Hayes and Vidal for at least the same reasons as claim 1.

Independent claim 7 recites a control apparatus including “intensity detection means for detecting intensities of radio waves emitted from the plurality of information processing apparatuses, wherein the display means determines, based on the intensities, whether the control apparatus is out of a communication coverage with the information processing apparatuses, and increases the transparency of the corresponding operation screen gradually at predetermined times when the control apparatus is out of the communication coverage” (emphasis added). Neither Hayes nor Vidal, taken individually or in combination, teaches or suggested this combination of elements.

The Examiner acknowledges that neither Hayes nor Vidal teaches or suggests “detecting intensities of radio waves,” as recited by claim 7. Office Action at 6. In addition, the Examiner acknowledges that neither Hayes nor Vidal teaches or suggests that the “transparency thereof is gradually increased.” Office Action at 7. Moreover, the Examiner acknowledges that neither Hayes nor Vidal teaches or suggests increasing transparency gradually “at predetermined times.” In sum, Hayes and Vidal do not teach or suggest detecting intensities of radio waves, using different transparencies, gradually increasing transparencies, or gradually increasing transparencies at predetermined times. Nevertheless, the Examiner asserts, without any support, that “it would have been obvious . . . to display the operation screen so that transparency is gradually increased at every predetermined time in order to notify the user that the signal intensity of an appliance is becoming weaker as the remote device is moved.” Office Action at 7. Applicant disagrees.

The lack of a teaching of any of the elements discussed above demonstrates that one of ordinary skill in the art would not have arrived at the combination recited by claim 7, without the benefit of Applicant's claims. Indeed, the Examiner's "motivation" to combine is nearly a direct copy from Applicant's specification at p. 68, which discloses: "since the operation panel is displayed so that the density becomes gradually lower, the user can instinctively recognize that it goes out of communication coverage with the device." Assembling a rejection under § 103(a) by tying together elements missing from the prior art with motivation obtained from Applicant's specification is improper. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claim 7 under § 103(a).

Applicant respectfully traverses the Examiner's rejection of claims 5 and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Hideyuki.

Claims 5 and 9-13 depend from claim 1 and therefore include all of the elements recited therein. Hideyuki fails to cure the deficiencies of Hayes and Vidal discussed above, nor does the Examiner rely on Hideyuki for such teachings. Accordingly, the rejection of claims 5 and 9-13 is improper for at least the reasons discussed above with respect to claim 1.

Independent claim 14 recites a control apparatus "wherein the selection means selects a second information processing apparatus that is relevant to the information processing apparatus based on a time difference between times at which the information processing apparatus and the second information processing apparatus are respectively controlled, and wherein the display means displays the operation screens

for the information processing apparatus and the second information processing apparatus together" (emphasis added). The cited references fail to teach or suggest the claimed "selection means," as recited by claim 14.

The Examiner acknowledges that none of Hayes, Vidal, and Hideyuki teaches or suggests selecting "a second information processing apparatus that is relevant to the information processing apparatus," or doing so "based on a time difference," where the time difference is "between times at which information processing apparatus and the second information processing apparatus are respectively controlled," so that "the information processing apparatus and the second information processing apparatus" can be displayed "together." Office Action at 13. Nevertheless, the Examiner, having read Applicant's specification and claim 14, alleges "[o]ne would have been motivated to select other information processing apparatus relevant to said information processing apparatus based on a time difference in order to display relevant appliances together according to a user's usage patterns." Office Action at 14. The Examiner's unsupported reconstruction of claim 14 with motivation derived from Applicant's specification fails to meet the requirements of a proper rejection under § 103(a). Accordingly, Applicant requests the Examiner to withdraw the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Hideyuki.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

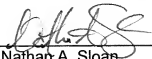
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 15, 2008

By: \_\_\_\_\_

  
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